

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

April 4, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: **George Rabideau (W3)**

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on March 29, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Case
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending April 4, 2012 in the amount of **\$ 240,037.24** are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Calnon; Seconded by Councilor Jackson
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of March 29 – April 3, 2012
- Report from the Building Inspector's Office from February 27 – March 30, 2012
- Statement of cash receipts from the Library from March 15 – March 21, 2012

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Tiffer
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 684,283.70 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Calnon; Seconded by Councilor Case
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Dr. Simona Sharoni said I Chair the Gender Women's studies Department at Plattsburgh State. I live in the town of Plattsburgh. I'm here to express my unhappiness and the unhappiness of the department and the college as a whole at the inclination not to continue to approve the Take Back the Night march in the street. I was here in 2008 and 2009 when we made this request and it was approved. We have been marching respectfully it has become a big community event. I'm here to ask what happened. How and why have things changed. This is one of the few communities, if we cannot continue the tradition that we established, where this march will not be allowed to be in the streets. I understand that the students were told that it is a safety concern we have determined in consultation with Arlene Sabo the Chief of Police on Campus that in fact it would be unsafe for us to march on the sidewalk. We expect several hundred students if the streets are not closed we are not willing to take the responsibility for marching downtown. There is no way for us to ensure that 300 people will be able to march in an orderly manner on the sidewalk. Furthermore, we understand that at the time of budget cuts police will have to escort us. We estimate that the time of the march will triple if we have to march on the sidewalk. We, therefore, plead with the Council to continue the tradition and approve a practice that has been in place since 2009.

Mayor Kasprzak said normally at this time we do not debate with people we'd be here all evening. I did not receive your email that you sent directly to people. I don't know if that was purposefully done, but I did not receive it. I think it's full of some errors that you mentioned all I can tell you I have been Mayor for almost 6 years. Not one vote that we have had with this event, regardless of what you just said, has ever been passed by this Council to allow to someone, anyone, to walk at night in the streets. If you've done that it wasn't through this resolution. You also mentioned that you talked to Lt. Beebie and you inferred or someone inferred last week that he ok'd this which he has never done, we talked to him today. I don't want to get in to who's right, who's wrong. The importance of this we've all supported you are absolutely right. This Council since I've been here has always supported this event. Lt. Beebie, for example, is part of a buddy walk with over 1000 people and it's very orderly and organized on sidewalks. We have an event from a college sorority that's after this one we're voting on that is on the sidewalk. I'm not sure if people walked in the streets without our permission. But, there is no resolution that my assistant, myself or anyone sees as voting for this event to walk in the streets. We've done our research so that's why we are not going to debate this. The Council's going to vote this evening on your request to walk on the sidewalk. That is the way it is written. I am sure there will be some debate here or discussion when we vote on it. That is

the best answer I can give you. You asked for some explanation and we've done some research over the last few days.

Dr. Simona Sharoni said the request is not to march on the sidewalk. We will not march and we will hold the Council accountable. Attached to the request was route that was approved by Lt. Beebie and the police closed the streets. We have pictures of that so in the past 3 years this was case. We will not march on the sidewalk we have made this decision.

Mayor Kasprzak said ok that is your right and the Council has the right to now consider what you said when they vote here.

Jamilla Hinton Center for Women's Concerns President said we also did research about the topic because we were deeply concerned about what was going on. We found that in the minutes of April 8, 2010 Megan Trim actually came here and had the initial request to have a Take Back the Night event and march on the streets. In your closing public comments **Councilor Jackson** asked if the march was going to be contained on the sidewalks or the street and Megan Trim said that they were asking for approval to march on the street and they had spoken to Lt. Beebie. Then on the next week it was resolved and **Councilor Jackson** stated that they had heard from the Police Department and they were fine with the event and that everyone voted in accordance with Megan Trim's request. And we are inferring from that means that request was taken as she had initially requested which was to have it in the streets. And then in the next years the same request was given to march down Brinkerhoff Street on to Margaret Street and back up Broad Street and it was resolved without any concerns. We also have a press release from SUNY Plattsburgh's website about how this year, this year as in 2009, the students were given the right to obtain a permit that said that they would be marching in the streets and this was for April 17, 2009's Take Back the Night. We also have an article from the Press Republican with pictures of us marching in the streets. The title of it says "Students take to the streets to make a stand against sexual violence." So this is why we are confused because it clearly states in the minutes that and in the fact that there was a press release saying that while we've been given this permission after all these years and all of the sudden you are saying that was never the case.

Elizabeth Cohen said I am not a part of this group, but, I am a citizen in the community. I am a Professor of English at Plattsburgh State University and I live at 151 Broad Street. I just want to submit to the Council that I think it is a fair request to have a peaceful protest in the streets of our town against sexual violence. It's a limited occasion and I think it makes a very important point to the community and I hope you'll take in to consideration our feelings. My neighbors and myself put this forward to you.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves David Powell Chief Plant Operator to advertise for bids for Contract #2012-07 "Hauling of Sludge from the Water Pollution Control Plant."

By Councilor Jackson; Seconded by Councilor Case
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves that upon notification of funding availability Robert Camoin (Camoin Associates) be hired as a consultant to prepare grant applications for “2012 DHCR New York Main Street Grant” for a fixed fee of \$2,500.

By Councilor Tiffer; Seconded by Councilor Calnon
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. THE MAYOR HANDS DOWN THE APPOINTMENT OF POLICE OFFICER TO JEREMY SCOTT EFFECTIVE APRIL 16, 2012 PENDING THE SUCCESSFUL COMPLETION OF A 78 WEEK PROBATIONARY PERIOD.

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign supplemental agreement No. 2 for Contract # 2010-13 “Consultant Agreement with Stantec for South Catherine Street Reconstruction; South Peru Street – South Platt Street” at a cost not to exceed \$15,000.

By Councilor Tiffer; Seconded by Councilor Case
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign supplemental agreement No. 3 for Contract # 2007-16 “Architectural/Engineering Agreement with Barton & Loguidice – Multi-Use Path Construction, George Angell Drive to Saranac Street Bridge” at a cost not to exceed \$8,600.

By Councilor Tiffer; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to create capital project H8320.72 “2012 Water Distribution Improvements Project” to complete the work detailed in the Water Distribution System section of the 2012 Capital Expenditure Plan.

By Councilor Jackson; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves the Center for Women’s Concerns, 101 Broad Street to have a “Take Back the Night” event on Saturday, April 21, 2012 from 9:15 pm to 10:00 pm marching (staying on the sidewalks) down Brinkerhoff Street onto Margaret Street and back up Broad Street.

By Councilor Carpenter; Seconded by Councilor Case

Discussion:

Councilor Carpenter said I listened to what was said here tonight. Sorry that I didn’t do the background work but I can remember my first year a group coming and wanting to walk on the street. We discussed it quite thoroughly and we agreed, this was before Chris and Mark were there, we didn’t think it was a very safe way for them to go and we asked them instead to walk on the sidewalk and they did. I don’t know if it was this group or a different group. Since then every group that has come before us we’ve had walk on the sidewalk. When I look at these things I don’t consider whether this group has a more important message than any other group that comes before me. In fact we have 2 groups tonight one for suicide prevention and one for violence against women who both would tell us that their group is extremely important. For me safety’s important. I’ve watched large groups walk on the sidewalk. In fact, every year I go see the Zombie Walk. This year there were several 100 people walking on the sidewalk there wasn’t any trouble. I understand here and there they have to walk on the street to go by obstructions or to cross intersections. In truth, I am uncomfortable with allowing any of the groups to walk in the street. In my opinion, if we allow one to then we have to allow all of them to. We can’t pick and choose which group is more worthy than the other group. So for this reason my vote will be yes that they can do this walk, I have no trouble with this, but I want them to stay on the sidewalks. I don’t want to endanger people by having them walk in the middle of the night in the streets.

Councilor Calnon said in general looking at the history walking in the streets of the city is defined

as a parade. As Tim has indicated there are times when sidewalk marches will have to be crossing the street or in fact last year there was an event downtown that was of particular interest and there was no sidewalk to walk on at that point so they had to stream in to the streets to get around it. Which is part of the reason why we have police keeping track of any march like that that's happening particularly at night. I would have always thought that marching in the streets would have been a parade. There never has been a parade permit for this event. So I have to agree that I have never approved this with the intention, and I've voted on all of them, I've been here since 2007. I am a supporter of this event I think it's very important. I think it's also important to keep in mind that the thrust of this is that women in particular are saying we're not afraid to walk at night we're taking back our freedom and our right to walk at night. But that freedom has always been to walk at night on the sidewalk not to walk at night in a road. So much like Tim I think this is an important event. I think that it is something that I want to support but I want to support it on the sidewalk. If that's not where it's going to happen then it makes my decision a whole lot more difficult. I will also vote for this because it does have a very clear direction from us that we expect this march to take place predominantly on the sidewalk.

Councilor Jackson said I keep all my emails and I actually have the email from Lt. Beebie from last year when he talked to Ms. Trim, Beth actually sent it, it was Scott's reply nowhere in here does it specifically state that we gave permission to walk in the streets. He offers alternatives but he says that it has to be approved by the Chief of Police and the Common Council. I don't know if they marched in the streets or not, I have the email. On April 8th when it was up for initial consideration my question was "is it in the street or is in the sidewalks." Apparently what happened was after that meeting and before the next meeting when we voted on it we heard back from Lt. Beebie. I know what this says and it doesn't say that permission was given it told Ms. Trim. Whether they did it or not in the street I don't know I didn't witness it but apparently there's documentation. This resolution as it is I'm going to vote in favor of I think it's the right thing to do and as you mentioned the Buddy Walk has 1000 people and they walk on the sidewalks.

Mayor Kasprzak said the Crop Walk the list is long.

Councilor Jackson said I pulled up the email on purpose so I'm going to vote in favor of this resolution. But to me "Taking Back the Night" is being able to walk safely you don't normally walk in the streets you walk on the sidewalks.

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

H. RESOLVED: In accordance with the request therefore the Common Council approves Alpha Epsilon Phi sorority to host the third annual campus walk (staying on the sidewalks) for American Foundation for Suicide Prevention on Saturday, April 28, 2012 at 1 pm.

By Councilor Case; Seconded by Councilor Carpenter
Discussion:

Councilor Carpenter said for the record I just want to say I feel the same way about this issue as I did the one before. Walking on the sidewalk doesn't bother me at all I think that is the way it should be. I would be uncomfortable closing down the street so that this group could walk on the street also.

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from the Adopt-A-Spot Program to grant Jim Bailey to pick up litter monthly on Steltzer Road from Broad Street to South Catherine Street both sides including part of the Saranac River Trail and the edge of Riverside Cemetery.

Councilor Tiffer said I'm just happy to see that someone is taking advantage of a program that my predecessor created so thank you to Jim Bailey for going out of your way to clean up that area.

2. Request from the Office of Community Development to advertise for bids for Housing Rehab – 173 Oak Street (Latour).
3. Request from the Office of Community Development to advertise for bids for Housing Rehab – 27 St. John St (Stone).
4. Request from the City Chamberlain to create capital project H5110.38 "May 2011 Flood Damage" to complete the repair work detailed in several categories of the 2012 Capital Expenditure Plan.
5. Request from the City Chamberlain to create capital project H7220.40 "2012 Rec Complex Facilities" to complete the upgrades detailed in that section of the 2012 Capital Expenditure Plan.

10. NEW BUSINESS: None

11. CLOSING PUBLIC COMMENTS:

Natalie Spiess said I am Secretary for Center for Women's Concerns and I live on campus 742 Defredenbug Hall. I just wanted to thank you for considering our proposition and just some closing comments they're somewhat more rhetorical questions then actual things that I would ask you to respond to. We have a video of us on the streets with police cars in front of us and behind us. So I'm just wondering why police cars would be in front of us on the street and behind us on the street if Common Council didn't

approve our march down the street. I guess that's just a totally rhetorical question that you probably don't know the answers too but I think it's interesting to point out that clearly at least in the video that we have which you can find on the Press Republican website it shows police cars escorting us. So to me that seems like someone somewhere along the line approved to have the march on the streets because I don't believe that police would just have us march on the streets unless there was some prior approval of the event. So I just wanted to throw that out there and have you think about that.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 5:52 pm